IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 9490 of 2007(D)

PETITIONER:

SHAJIR ARAFAT,KARAT HOUSE,BILATHIKULAM COLONY ROAD,P.O ERACHIPALAM,CALICUT-673 006.

BY ADV. SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN

RESPONDENTS:
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1. ALLAHABAD BANK,SATHEESH BUILDING, KALLAI ROAD,KOZHIKODE- 673 002,REPRESENTED BY ITS SENIOR MANAGER.

2. AUTHORIZED OFFICER/ASSISTANT GENERAL MANAGER,ALLAHABAD BANK,ZONAL OFFICE,13/B,S.C ROAD, BANGALAORE-560 009.

BY ADV. SRI.P.JACOB VARGHESE
SRI.VIVEK VARGHESE P.J.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT BANK DTD. 2-3-2006**
EXT.P2	**TRUE COPY OF THE NOTICE ISSUED TO THE PETITIONER DTD. 9-2-2007**

/True copy/

PA to Judge.

S. SIRI JAGAN, J.

W.P.(C)NO.9490 OF 2007

DATED THIS THE 15th DAY OF JUNE, 2007

JUDGMENT

The petitioner has not paid the full amount as directed by this Court as a condition for stay in order dated 02-04-2007, but only Rs. 2,10,000/-, even after granting further time as per order dated 04-06-2007. The learned counsel for the respondents submits that even that amount is paid, that has been paid in some other account and not the petitioner's account. In the circumstances the writ petition itself is heard and disposed of by this judgment.

2. The petitioner challenges proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It is settled law that the appropriate remedy available to the petitioner to challenge the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act is by way of filing an appeal before the Debt Recovery Tribunal as provided under the Act itself. The Supreme Court of India has held that this Court shall not ordinarily, in exercise of powers under Article 226 of the Constitution of India

interfere with proceedings under the Act. The petitioner is not been able to show any special circumstances which warrants interference of this Court also.

In the above circumstances, I am not inclined to entertain this writ petition and accordingly, without prejudice to the right of the petitioner to file an appeal as provided under the Act, this writ petition is dismissed.

S. SIRI JAGAN, JUDGE

Acd